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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,881	03/19/2004	Dragan Veskovic	P/10-679	8188
7590 08/05/2005 OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 Avenue of the Americas New York, NY 10036-8403			EXAMINER LEE, GUIYOUNG	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,881

Applicant(s)

VESKOVIC, DRAGAN

Examiner

Guiyoung Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 1-56 and 85-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-62, 64, 65 and 94-96 is/are rejected.
- 7) ☒ Claim(s) 63 and 66-84 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0304.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 1-56 and 85-93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/29/2005.
2. As Applicant indicated, Claim 94 belongs to Group III because claim 94 is also drawn to an illumination maintenance system having a control system controlling both a plurality of electric lamps and at least one window treatment, classified in class 362, subclass 1. Therefore, claims 94 will be examined with Group III.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 57-62, 64-65, and 94-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schnebly et al. (US 6,388,404 B1).
5. Re claims 57-58, 64-65, and 95-96: Schnebly discloses a first sensor for sensing an illumination level in a portion of the space (212 in Fig. 35 and claims 12-14 in col. 19), one electrically controllable window treatment (13) for one opening for allowing daylight into the space, the window treatment selectively altering the amount of daylight entering the space

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through the opening, a plurality of electric lamps (12) providing artificial light to supplement the daylight illumination of the space, the electric lamps being dimmable (26); a control system (29) controlling the window treatment and the plurality of electric lamps to maintain the desired illumination profile in the space; the control system controlling the plurality of electric lamps so that the dimming level of each lamp is adjusted to achieve the desired illumination profile and compensate for the daylight illumination in the space throughout at least the portion of the day (claims 12-14 in col. 19). Schnebly is silent with regard to the control system operating the window treatment in response to sun glare. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the window treatment by Schnebly's control system in response to sun glare because sun glare is a part of daylight illumination of the space and Schnebly's control system actuates the window treatment in response to ambient light, which is daylight illumination (claim 12 in column 19).

Re claims 59-62: Schnebly discloses inputs from the sensors.

Re claim 94: Schnebly further teaches a method for maintaining a desired illumination profile in a space.

Allowable Subject Matter

6. Claims 63, 66-84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: With regard to claims 63 and 66, although Schnebly discloses a plurality of sensors, Schnebly does not teach averaging or comparing outputs of the plurality of the sensors to determine the

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output level of the sensor or illumination level. Claims 67-70 depend from claim 67. Further, with regard to claim 71, Schnebly does not teach the control system employs a dead-band having upper and lower set points such that if the sensed illumination in the space is outside the dead-band, the window treatment is adjusted to bring the illumination level in the space within the dead-band. Claims 72-79 and 81-83 depend from claim 71. With regard to claim 80, Schnebly fails to disclose that the sensor has a gain factor, and the control system adjusts the gain factor during the time period when glare from the sun through the opening can occur. With regard to claim 84, Schnebly does not disclose an astronomical time clock of the control system, and that the time of day data provided by the time clock is used to correct a spectral sensitivity property of the sensor.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



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